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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,638	01/30/2001	Kwang-Muk Kim	YOU-10902/00	9928
7590	05/28/2004		EXAMINER	
Douglas W. Sprinkle Gifford, Krass, Groh, Sprinkle Anderson & Citkowski, P.C. 280 North Old Woodward Avenue, Suite 400 Birmingham, MI 48009			CARDONE, JASON D	
			ART UNIT	PAPER NUMBER
			2142	S
			DATE MAILED: 05/28/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/772,638	KIM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason D Cardone	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 May 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input checked="" type="checkbox"/> Other: <u>See Attached Office Action</u> .

## DETAILED ACTION

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

2. Applicant is reminded of the duty under 37 C.F.R. § 1.56 to bring to the attention of the U.S. Patent and Trademark Office information that is "material to the patentability" of the application in question. Examiner requests a copy of the documents as disclosed in the specification of the invention that have not been submitted on a PTO-1449 [ie. the references on page 4...].

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 6 is objected to and rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not define what is a kaivawibo pattern.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claim 6 is objected to and rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli, USPN 6,549,768, in view of Olivier, USPN 6,480,885.

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10. Regarding claim 1, Fraccaroli discloses a system for providing a phone call service, which enables a user of a mobile terminal to search for another user meeting some specified requisites for a phone call partner and to virtually talk with him/her, the system comprising:

a mobile communication system being in radio communication with the mobile terminal [Fraccaroli, col. 3, lines 1-30];

a phone call server connected to a network for providing the phone call service [Fraccaroli, col. 3, lines 1-30 and col. 5, lines 20-61] and

a radio operator gateway for switching different data and protocols between the mobile communication system and the network [Fraccaroli, col. 3, lines 46-63];

wherein the phone call server includes personal information and requisite information of at least one member [Fraccaroli, col. 8, lines 33-56],

wherein upon a request of the user of the mobile terminal for the phone call service, the system searches for a member meeting the requisites of the user for a phone call partner based on the personal information of the individual members, compares the requisite information of the user with that of the searched member to select a phone call partner and enables the user to virtually talk with the selected phone call partner [Fraccaroli, col. 8, line 15 – col. 9, line 20].

Fraccaroli discloses two wireless users being matched up and talking to each other but does not specifically disclose a chat session. However, Olivier, in the same field of endeavor, discloses matching users for a chat session [Olivier, col. 2, lines 59-64, col. 4, lines 48-59, col. 24, lines 1-48 and col. 26, lines 4-20]. It would have been

obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate a chat session, taught by Olivier, into the wireless phone system, taught by Fraccaroli, in order to expand the wireless phone's applications.

11. Regarding claim 2, Fraccaroli-Olivier further discloses a web server connected to the network for displaying a home page and web pages related to the chat service and control the whole chat service-related operation; a membership database for storing personal information of the user and the member; a requisite information database for storing requisite information of the user and the member; a search engine connected to the web server for searching the membership database for the personal information of the member; a requisite information engine connected to the web server for searching for the requisite information of the member and comparing the searched requisite information with that of the user; a call engine connected to the web server for calling a member meeting the specified requisites of the user for a chat partner; a link engine connected to the web server for connecting the user to the member called as a chat partner by the call engine; and a chat executing server connected to the call engine and the link engine for causing the user to have a chat with the member connected as a chat partner by the link engine [Fraccaroli, col. 3, line 40 – col. 4, line 38] [Olivier, col. 8, lines 9-65 and col. 9, line 30 – col. 10, line 67].

12. Regarding claim 3, Fraccaroli-Olivier further discloses the mobile communication system comprises at least one mobile communication service system, wherein the at

least one mobile communication service system includes a base station being in radio communication with the individual mobile terminal, and a radio operator server for processing a call received from the mobile terminal via the base station, wherein the at least one mobile communication service system is connected to the network via the radio operator gateway [Fraccaroli, col. 3, line 40 – col. 4, line 38, col. 5, lines 27-61 and col. 8, line 15 – col. 9, line 20] [Olivier, col. 4, lines 48-59, col. 22, lines 22-31 and col. 26, lines 4-20].

13. Regarding claim 4, Fraccaroli-Olivier further discloses the at least one mobile communication service system belongs to at least two mobile communication service providers [Fraccaroli, col. 5, lines 27-37] [Olivier, col. 4, lines 48-59 and col. 22, lines 22-31].

14. Regarding claims 5 and 6, Fraccaroli-Olivier further discloses the requisite information is navel information including physical attribute and hobby information of the individual member, wherein the system selects the chat partner based on the result of navel matching relating to comparison of the navel information between the user and the searched member, wherein the navel information includes blood type, favorite diagram, kaivawibo pattern, favorite food, and music genre to listen to with the chat partner [Fraccaroli, col. 8, lines 15-56] [Olivier, col. 11, lines 1-35].

15. Regarding claim 7, Fraccaroli-Olivier further discloses the requisite information is the character information of the member, wherein the system selects the chat partner based on the comparison of the character information between the user and the searched member [Fraccaroli, col. 8, line 15 – col. 9, line 20] [Olivier, col. 9, line 30 – col. 10, line 67].

16. Regarding claim 8, Fraccaroli-Olivier further discloses the chat partner is another user of the mobile terminal than the user of the mobile terminal requesting for the chat service [Fraccaroli, col. 3, lines 1-30] [Olivier, col. 11, lines 44-57].

17. Regarding claim 9, Fraccaroli-Olivier further discloses the chat partner is the user of a computer system connected to the network [Fraccaroli, col. 3, lines 1-30] [Olivier, col. 11, lines 44-57].

18. Regarding claims 10-16, claims 10-16 have similar limitations as disclosed in claims 1-9. Therefore, the similar limitations are disclosed under Fraccaroli-Olivier for the same reasons set forth in the rejection of claims 1-9 [Supra 1-9].

### ***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (703) 305-8484. The examiner can normally be reached on Mon.-Thu. (9AM-6PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone  
Primary Examiner  
Art Unit 2142

May 26, 2004